

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

GERARD J. KEATING, JANET A.)
KEATING, FRANK R. KREJCI,)
JANE KREJCI, TIMOTHY PETERSON,)
LINDA PETERSON, DARYL)
BUTTERFIELD and MAKALA)
BUTTERFIELD, individually and)
on behalf of all persons)
similarly situated,)

Plaintiffs,)

7:07CV5011

v.)

NEBRASKA PUBLIC POWER)
DISTRICT, NEBRASKA DEPARTMENT)
OF NATURAL RESOURCES, DENNIS)
L. RASMUSSEN, MARY A. HARDING,)
RONALD W. LARSEN, LARRY A.)
LINSTROM, DARRELL J. NELSON,)
EDWARD J. SCHROCK, KEN L.)
SCHMIEDING, GARY G. THOMPSON,)
LARRY G. KUNCL, VIRGIL L.)
FROEHLICH, WAYNE E. BOYD and)
ANN SALOMAN BLEED, in their)
official capacities, and DOES)
1-100,)

Defendants.)

ORDER

This matter is before the Court on plaintiffs' motion for a preliminary injunction (Filing No. 33), defendants Nebraska Public Power, Dennis L. Rasmussen, Mary A. Harding, Ronald W. Larsen, Larry A. Linstrom, Darrell J. Nelson, Edward J. Schrock, Ken L. Schmieding, Gary G. Thompson, Larry G. Kuncl, Virgil L. Froehlich and Wayne E. Boyd's motion to dismiss (Filing No. 26) and defendants Nebraska Department of Natural Resources and Ann

Saloman Bleed's motion to dismiss (Filing No. 28). On June 18, 2007, plaintiffs filed an amended complaint (Filing No. 60).

The filing of an amended complaint supersedes the original complaint causing the original complaint to, in effect, be abandoned (71 C.J.S. *Pleading* § 453). In addition, any motions addressed to the original complaint are thereafter not properly in the record. *Id.* All pending motions are deemed to be moot by the filing of the amended complaint. Accordingly,

IT IS ORDERED that all pending motions (Filing Nos. 26, 28 and 33) are denied as moot.

DATED this 20th day of June, 2007.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court